

Exhibit AJ

Andrew Sullivan

May 11, 2020

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SARAH PALIN,

No. 17-cv-4853

Pl a i n t i f f,

v.

THE NEW YORK TIMES COMPANY and
JAMES BENNET,

Defendants.

- - - - -x

Remote videotaped deposition of ANDREW
SULLIVAN, taken pursuant to Subpoena, was held via
videoconference, commencing May 11, 2020, at
10:02 a.m., on the above date, before Amanda
McCredo, a Court Reporter and Notary Public in the
State of New York.

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A P P E A R A N C E S:

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ALSO PRESENT:

Alexandra Perloff-Giles - New York Times

Daniel Macom - videographer

1 A. Sullivan
2 some mention of her. But no, only since she was
3 announced. And then petered out really covering her
4 once, covering her once, and then actually it was
5 over and there was no reason to look into her
6 further. I did my job, I thought, doing my best to
7 vet a candidate. And -- but once that was not
8 relevant, once she was not possibly about to be --
9 could be President of the United States, there's no
10 reason to cover her, and I basically largely dropped
11 the subject. And I think you can see, I've hardly
12 written about her in years.

13 Q And you mentioned the election, just to put
14 that in context.

15 Are you talking about the 2008 election?

16 A Yes.

17 Q Were there any stories that you continued
18 writing about concerning Sarah Palin that continued
19 after the 2008 election?

20 A Whenever she popped up on the screen in the
21 news or something, and if there was new information
22 about the mystery of her pregnancy.

23 Q And when you say the mystery of her
24 pregnancy, what are you referring to?

25 A I'm referring to the sequence of events

1 A. Sullivan
2 that she described about the conception, labor,
3 birth of her fifth child, which I found
4 incomprehensible and seemed to -- seemed to defy
5 laws of logic and nature. And so, yes.

6 And I thought that if there's a tiny chance
7 that there's something fishy there, then we should
8 know about it. So, yes, I did pursue that, as is
9 self -- evident -- as is evident from the blog. And
10 I mean, it's much more accurate to look at what I
11 said in the blog than to have me remember what I
12 wrote 12 years ago.

13 Q For how long did you write about Sarah
14 Palin's pregnancy? And we're referring to her son
15 Trig; is that right?

16 A We are.

17 Q For how many years did you cover that?

18 A I didn't cover it years. I wouldn't say
19 years. I think once it actually was over, there was
20 an attempt mainly to try and, what's the word, tie
21 up the loose ends. And the Anchorage Daily News was
22 also involved, her state newspaper, in trying to get
23 to the bottom of this, too.

24 But we never found out -- we never got any
25 actual, solid records proving anything either way.

1 A. Sullivan

2 So -- so after -- I think, certainly after -- I
3 mean, you'd have to look at the blog and I can't
4 remember everything, so I might have referred to it
5 again. But I don't think I referred to it much
6 after December 2008, maybe the beginning of January.

7 Q Okay.

8 MR. VOGT: Why don't we take a break there
9 because we're at about an hour.

10 And I didn't tell you this at the
11 beginning, I apologize, but if you need to take
12 a break for any reason, just let me know. It's
13 not a marathon.

14 THE WITNESS: The coffee is -- I'm having
15 some -- on my bladder right now, so I will
16 disappear for a second.

17 THE VIDEOGRAPHER: Off the record.

18 The time is 10:55 a.m.

19 (Recess taken.)

20 THE VIDEOGRAPHER: We are now back on the
21 record. The time is 11:11 a.m.

22 BY MR. VOGT:

23 Q Mr. Sullivan, I'm going to send a few
24 exhibits now just to take a look at to help identify
25 for me.

1 A. Sullivan

2 Q Mr. Sullivan, you should be looking at now
3 what's been marked as Plaintiff's Exhibit 141.

4 Do you have that?

5 A I do, yes.

6 (Exhibit 141 was shown to the
7 witness.)

8 Q It's a Daily Dish piece entitled "A Smear?"
9 from August 31 of 2008.

10 Are you familiar with this?

11 A I, I -- I recognize it, but I've long
12 since -- I haven't seen it in, like, 12 years. It's
13 just -- yeah. I'm not familiar with it, but I can
14 see that that's what I would have written.

15 Q Okay. And that was going to be my next
16 question.

17 Did you write this?

18 A Yup.

19 Q And do you recall at all, looking at it
20 now, what the circumstances were that led you to
21 write this piece?

22 A No, I do not, except what its first
23 question -- the first sentence says, that --
24 presumably it's quite common on The Dish for readers
25 to push back on me, and we always used to publish

1 A. Sullivan
2 dissents of the day so that I would be kept on my
3 toes. So it's probably reader emails, to be honest
4 with you.

5 Q The second paragraph there starts with the
6 sentence, "The job of a press is to ask questions
7 which have a basis in fact."

8 Do you see that?

9 A Yes.

10 Q Did you write that?

11 A Yes, sir.

12 Q Do you agree with that statement?

13 A Yes.

14 Q And when you say that "the job of a press
15 is to ask questions which have a basis in fact,"
16 what do you mean?

17 A I mean, it's stupid to ask questions for
18 which there is no real answer, in which someone
19 can't actually prove it either way. But if you're
20 asking a question to which there is almost certainly
21 an empirical answer, that's different.

22 Q And what do you say by an "empirical
23 answer"? When you say that, what do you mean?

24 A I mean facts that can answer the question.

25 Q And do you know, is this a true and

1 A. Sullivan
2 accurate copy of the piece titled "A Smear?" that
3 was published on The Dish on August 31, 2008?

4 A I mean, I could verify it by going back to
5 The Dish, but I presume it's -- it reads like me and
6 it sounds like me and it's almost certainly what I
7 wrote. Again, I don't remember actually writing
8 this post.

9 Q That's okay.

10 A But it's a quite common post saying, "Okay,
11 you guys all disagree with me on this, and this is
12 why I'm doing what I'm doing," and then I have to
13 take further objections.

14 The goal of The Dish was to get to the
15 truth of things. And all our goal was to, with
16 debate and open debate, open inquiry in which any
17 subject was available for discussion. And I would
18 also be required every day to respond to a dissent
19 from people who might have objected to something in
20 the blog. Explain myself. If I've made a mistake,
21 correct it and apologize. If I haven't, explained
22 why I think I haven't and so on and so on. So this
23 strikes me as one of those posts.

24 Q And you said if you made a mistake, you
25 would correct yourself and apologize; is that right?

1 A. Sullivan

2 A If I made a factual mistake, yes.

3 Sometimes, if I made a general mistake --
4 for example, I have a whole section called "I Was
5 Wrong" about the Iraq war. I think I'm not bragging
6 to say that I was very -- more -- more open to
7 dissent and criticism within my own blog than
8 anybody else. No one -- no one voluntarily subjects
9 themselves to constant scrutiny and questioning the
10 way I did on the blog. And that's because a blog is
11 written in real-time. And so, it's always
12 assimilating new information. So that every time
13 you post at 1:00 p.m., you might have to correct,
14 shade, nuance it by 2:00 p.m. The important thing
15 is that you don't leave things hanging. You try
16 your best to resolve questions of fact.

17 Q And how would you go about doing that?
18 Like, how were you doing research for facts related
19 to pieces that you were working on?

20 A Almost always in the public domain. I'm
21 not an investigative journalist. I'm looking at
22 what's out there, what's been reported, what we
23 know, what we can know. I'm not going into
24 libraries. That's not what the blogger does.

25 The blogger doesn't even spend two weeks

1 A. Sullivan
2 trying to figure out a piece and then write it. The
3 blogger is writing as the story develops. And so,
4 it's inevitably going to be caught occasionally in
5 jumping to a conclusion that is not merited.

6 Q Let me show you another piece, plaintiff's
7 deposition Exhibit 142. It's titled "Why Does Trig
8 Matter?"

9 A Yup.

10 (Exhibit 142 was shown to the
11 witness.)

12 Q And do you recall this piece?

13 A I do not recall this piece because I -- as
14 you can see, I wrote so many pieces.

15 Do you want me to read this before I
16 answer?

17 Q No, no. I was just going to ask you. This
18 is in June of 2010.

19 Do you know why you were still writing
20 about the Trig issue in June of 2010?

21 A Presumably because this guy, Jonathan
22 Bernstein, prompted it. As I'm responding to
23 someone, looking at this, that criticized me. So
24 that's probably why.

25 I don't recall exactly why, but that's

1 A. Sullivan

2 A Yes.

3 Q -- called "The Day Trig Was Born."

4 Do you recognize this?

5 A I -- I do not -- I do not -- I mean, again,
6 I don't recognize any of these posts, but I can
7 acknowledge that looks exactly like a post on my
8 blog and I'm sure -- I'm sure that is what I wrote.
9 But I -- as I said, I don't remember. I wrote
10 thousands and thousands of these.

11 Q Do you recall there being a label affixed
12 to this investigation or inquiry concerning Sarah
13 Palin's son Trig? Do you recall that it was
14 referring to as "Trig Trutherism"?

15 A Yes.

16 Q And do you recall salon.com writing a piece
17 about Trig Trutherism?

18 A No, I don't.

19 Q And do you know -- I know you said you
20 don't recall the salon.com piece, but do you know if
21 this -- "The Day Trig Was Born" piece, was this
22 written in response to anyone else?

23 A I don't remember.

24 Q Do you recall being on the Jamie Weinstein
25 Show's podcast in 2017?

1 A. Sullivan

2 Q Do you recall how you first found out about
3 the Loughner shooting?

4 A I do not recall, but I presume it was
5 because it was a breaking story and I was blogging
6 and had to cover it. Yeah, there was a -- the
7 Giffords assassination, right, that was what it was
8 about? Am I remembering that correctly?

9 Q Yes.

10 A Yeah, because I think I was blogging at the
11 time. Yeah, I know I was blogging at the time.

12 So I would have heard it -- it would come
13 off the news at some point or I find it in my feed
14 or something. But it was everywhere that day. So,
15 as usual, I had to follow the story.

16 Q And do you recall starting to live-blog
17 about the Loughner shooting?

18 A I do not recall the live blog. But when I
19 was doing my homework for this, I looked up and saw
20 it, yeah. But I did lots of live blogs. So I don't
21 recall specifically, but, yeah, that makes sense.
22 That would happen with any number of stories: the
23 Green Revolution, campaign, debates, announcements
24 that would have -- so, yeah, I was -- yeah.

25 Q Does the Loughner shooting stand out in

1 A. Sullivan

2 your mind at all?

3 A No.

4 Q Do you know, prior to the Loughner
5 shooting, when the last time was that a member of
6 Congress had been shot?

7 A No.

8 Q Let me show you Exhibit 146.

9 (Exhibit 146 was shown to the
10 witness.)

11 A Yup.

12 Q And it should be "An Assassination Attempt
13 in Arizona: Live-Blogging" --

14 A Yeah.

15 Q -- the Daily Dish?

16 A Yes.

17 Q Do you recognize this?

18 A I recognize it as a classic page. I don't
19 have a specific memory of this particular thread.

20 It's very much what we would do if a
21 breaking story was happening. Our job was to
22 provide as much update information as we could to
23 get to the facts.

24 Q And do you recall, were you the actual one
25 who was blogging on this particular date?

1 A. Sullivan

2 Q Yeah. Did you have any concerns that
3 rhetoric could lead to violence?

4 A Always. Obviously extreme rhetoric can,
5 self-evidently, if we're not careful, lead to
6 violence, yeah.

7 Q Did you consider that to be an important
8 issue?

9 A I'm -- I, I, I -- well, depends what you
10 mean by "important," but yes, it's a matter of
11 debate in the democratic society.

12 Q If it had been established that there was a
13 direct link between an individual's rhetoric and an
14 act of violence, is that something that would have
15 stood out in your mind?

16 A If someone said "shoot that person" and
17 someone went along and shot that person, then yes,
18 obviously.

19 But, in general, I'm a free speech
20 supporter. I certainly don't believe in any
21 sanctions on it.

22 Q Let me show you now another piece that's
23 been marked as plaintiff's deposition Exhibit 123.

24 (Exhibit 123 was shown to the
25 witness.)

1 A. Sullivan

2 A Okey-doke.

3 Q It should be titled "Caldwell's

4 Unfairness."

5 A Yes.

6 Q Do you remember this piece?

7 A I vaguely do remember it, yes, but not very
8 well, but...

9 Q And do you know whether you wrote this
10 piece?

11 A I would have, yes. I'm not -- others would
12 have helped contribute to it, if there was -- but I
13 think it looks like a post that I would have done.

14 Q Do you know who Christopher Caldwell is?

15 A I do, yes.

16 Q Who's he?

17 A He -- he's a writer for, right now, I
18 think -- where is he based now? I think he might be
19 based at The American Conservative. He has, I
20 think, a gig at The New York Times. He's a
21 contributing editor there.

22 He just wrote this rather brilliant book.
23 And we've known each other for -- since I was at
24 Harvard with him.

25 Q And --

1 A. Sullivan

2 A I regard him as a friend.

3 Q In this particular piece, you asked him for
4 a correction; is that right?

5 A Yes. Or at least some acknowledgment --
6 where does it say that? I just have to see that.

7 Q If you look at the last page -- or the, I'm
8 sorry --

9 A "The Financial Times needs to run a
10 correction," I see that now.

11 Q Did you write that, "The Financial Times
12 needs to run a correction"?

13 A I think so, yes, to the best of my
14 recollection.

15 Q Did you ask people for corrections often?

16 A No. And this, to be honest with you, is
17 a -- I would imagine -- it's more -- it's more a
18 rhetorical question than a real one. It's more
19 about I thought that he misread what I was doing.

20 Q Why do you think he misread it?

21 A Say what?

22 Q Why do you think he misread it?

23 A I can't remember the actual piece that he
24 wrote. I'd have to reread this post to remind
25 myself, so I'm not sure.

1 A. Sullivan

2 Q Would you read through this post, because I
3 want to ask you a few questions about it.

4 A Yeah. Would you give me a couple of
5 seconds?

6 Q Yes.

7 A (Perusing document.)
8 Yes. I've read it now.

9 Q Okay.
10 Let's start sort of at the beginning of it.
11 You start by saying, "It's important to push back
12 against untruths as much as against incivility."

13 Is that right?

14 A Yes.

15 Q And you agree with that statement?

16 A Always. If one can, yes. We're all human.
17 But yes, that's the goal.

18 Q Have you ever heard Mr. Bennet make a
19 statement similar to that?

20 A Yes. I don't recall a specific instance,
21 no. But I do know that -- I do know him and his
22 work as a journalist and he is absolutely committed
23 to the truth. And he is personally an extremely
24 civil and reasonable person.

25 Q And then you go on to say, "So when

1 A. Sullivan
2 Christopher Caldwell writes the following in The
3 Financial Times, I have to ask him for actual
4 evidence. "

5 What do you mean by "actual evidence"
6 there?

7 A That I specifically said Sarah Palin was
8 responsible for the murder of Jared Loughner. At
9 least that's what I -- I haven't -- I would need to
10 read Chris's piece too, but I'm inferring that
11 that's why.

12 Q And --

13 A Or why attribute political motives to
14 someone who's -- who, who -- whose main identifying
15 feature is being a little bonkers.

16 Q Did you ever see any evidence that Sarah
17 Palin was responsible for the Loughner shooting?

18 A No, no. Not to my recollection, no. I
19 do -- I mean, there was -- there was an argument, at
20 the time, as I recall, again, in which those
21 crosshairs were misinterpreted or regarded as
22 potentially inflammatory. But I don't think I took
23 a position on that myself. I can't remember.

24 But that was one of the things, as you
25 recall, that this was obviously -- obviously this

1 A. Sullivan
2 was all over the map. All over The New York Times
3 and Washington -- every single media was -- I would
4 say that I was one of the ones that was least
5 susceptible to blaming all this on politics. And as
6 you can see from the blog, I end up thinking, well,
7 no, this is best explained by mental illness.

8 Q And do you know, at the time, when this was
9 being written, January 15 of 2011, were you looking
10 for evidence to see whether or not Mr. Loughner was
11 motivated by the map that was circulated by Sarah
12 Palin's political action committee?

13 A Yes. Everybody was poring over Loughner's
14 writing and ideas, as I remember, so I would be a
15 part of that, too, just absorbing -- again, the blog
16 is not -- I'm not an investigative journalist on the
17 blog. I am responding to other items and
18 information that emerged that might help cast light
19 on a particular situation and trying to make a
20 judgment about them as I can. But it's always to
21 flush out the truth.

22 Q And when you say everyone was poring over
23 the materials about the shooting, what do you mean
24 by "everyone"?

25 A It was a big media frenzy, as I recall.

1 A. Sullivan

2 Q At the time, you were at The Atlantic,
3 correct?

4 A Yes.

5 Q Did The Atlantic cover the Loughner
6 shooting?

7 A I don't recall.

8 Q Did you ever have any conversations with
9 Mr. Bennet about the Loughner shooting?

10 A No, no, I don't recall any.

11 Q And in particular, if you go down, the
12 statement that you pull out from Mr. Caldwell's
13 piece in The Financial Times says, "Many prominent
14 people disheartened by the resurgence of the
15 Republican Party, notably the blogger Andrew
16 Sullivan, The New York Times columnist Paul Krugman,
17 and the Pima County sheriff Clarence Dupnik, linked
18 the shootings to Republican ideology or rhetoric, as
19 expressed by former vice presidential candidate
20 Sarah Palin or the Tea Party movement or certain
21 talk-show hosts."

22 Did you take issue with Mr. Caldwell saying
23 that you had linked the shootings in Arizona to
24 political ideology or rhetoric?

25 A I'm sorry, the question was do I remember

1 A. Sullivan

2 what, sorry, exactly?

3 Q Did you take issue with Mr. Caldwell saying
4 that you had linked the shootings in Tuscon,
5 Arizona, to political ideology or rhetoric?

6 A Yes, I think I was -- that obviously was
7 something I aired and it might have had some
8 marginal impact on all this, and I do think
9 extremism and rhetoric can lead some rather unstable
10 people to do unstable things.

11 But I -- but I really did believe that, at
12 The Dish, we had tried to get to the truth. And
13 that by the time we had examined it, we had come to
14 the conclusion that it was overwhelmingly almost
15 certainly a factor of mental illness rather than
16 anything else.

17 And also I made clear to say that I think
18 Sarah Palin herself would be mortified by what had
19 just happened and would be distressed by it as well
20 as anybody else. I think there's a point in the
21 blogging where I specifically say that. That's not
22 just -- that's to say, I think Sarah Palin would be
23 horrified at this, I think would be as horrified by
24 this as anybody else, I think that's what I wrote,
25 something like that.

1 A. Sullivan

2 Q Do you know, did you ever uncover any
3 information in the course of writing about
4 Loughner's shooting that indicated whether or not he
5 had even ever seen the map that was circulated by
6 Sarah Palin's political action committee?

7 A I don't recall.

8 Q And then if you go to the last paragraph of
9 the piece.

10 A Yup.

11 Q You have a line in there, "Did I ever 'link
12 the shooting to Republican ideology or rhetoric'?
13 Nope."

14 Is that an accurate statement?

15 A Yes, because I wasn't making any
16 conclusion. I was airing the debate as it was
17 happening. And as you know, lots of people were
18 saying that at the time.

19 But did I explicitly then say that's what
20 happened and link it directly, empirically? No, I
21 didn't. Not. I aired the possibility that was
22 true. And as information came over the wire as we
23 learned more and more -- this is literally the first
24 hours afterwards, so there was still huge amounts of
25 misleading information, disinformation,

1 A. Sullivan
2 misinformation. But our job was to air it all and
3 see if we can come to some kind of provisional
4 conclusion.

5 And the conclusion that I seemed to have
6 come by, looking at this, is it was basically a
7 question of somebody's bad mental health and that
8 the man was a bit bonkers.

9 Q Yeah. And I think you said that at the end
10 of this paragraph. You say, "But as for the motive
11 of Loughner, by the time 6:32 p.m. comes along, I
12 have concluded that this was likely a psychotic
13 breakdown, and cited a psychiatrist to that effect,
14 and specifically ended with the case that he is 'of
15 no party.'"

16 Is that right?

17 A Well, that's what I read here. I don't
18 remember writing the sentence, but that's what I
19 read in front of me, yes.

20 Q Do you remember reaching that conclusion?

21 A Yeah, I do. I think I do remember it.

22 I remember -- this often happens, you know,
23 like the shooting of Steve Scalise and so on. It
24 might have been linked to left-wing causes, but in
25 fact -- and some of these -- some of this rhetoric

1 A. Sullivan
2 can filter down to mentally ill people and make them
3 do things or give them ideas that can lead to harm.

4 But I think, in this case, I think the
5 evidence is that I raise that possibility. And as
6 we usually do on The Dish, by the time we had
7 concluded, we realize, no, it looks like maybe all
8 this is much more salient as a factor. But even
9 then, you know, we didn't know -- there hadn't been
10 a trial, there hadn't been any investigation into
11 any of this because it was within the same day.

12 So I thought it was unfair for Christopher
13 to say I hadn't been open-minded about this in
14 having come to a different conclusion, that's all.

15 Q Did you think it was unfair of him to say
16 you had linked political rhetoric to the Loughner
17 shooting?

18 A It depends what you mean by "link." Did
19 I -- did I air the possibility there was a
20 connection? Yes. So did everybody.

21 And -- but then more facts came in and the
22 picture became a lot more complicated, as it almost
23 always does.

24 Q But you never linked the shootings to
25 Republican ideology or rhetoric, correct?

1 A. Sullivan
2 links to and finds articles around the web and
3 compiles them in a digestible forum, which is a
4 little like what The Dish did, but The Dish did that
5 with a bunch of commentary from me, as well.

6 But The Atlantic Wire was -- it doesn't
7 exist anymore, but for a while there it was a kind
8 of alternative blog on The Atlantic's site, as I
9 recall.

10 Q And I take it, then, from your answer, that
11 it was a publication of The Atlantic publishing
12 company?

13 A Yes. That's my understanding, yes.

14 Q Do you know what role, if any, James Bennet
15 had with respect to The Wire?

16 A I don't know, to be honest with you. I
17 don't know.

18 Q Mr. Sullivan, plaintiff's counsel earlier
19 was asking you about your writing regarding
20 Mrs. Palin's son, Trig.

21 A Yes.

22 Q Do you recall that?

23 Did James Bennet direct you to do reporting
24 or writing or blogging about Mrs. Palin's son, Trig?

25 A No.

1 A. Sullivan

2 Q Did James Bennet have any involvement
3 whatsoever in your researching or writing about
4 Mrs. Palin's son, Trig?

5 A Can I just correct -- I don't -- I wasn't
6 writing about her son, Trig. I was writing about
7 the story that she told about that and why there
8 were holes in it that I wanted to fill. This wasn't
9 about the child who had -- with whom I have complete
10 sympathy. It was about the public pronouncements of
11 a leading politician about a story that she was
12 telling that I found extremely hard to understand
13 and believe and therefore attempted to ask them, as
14 politely as I could, to provide evidence that would
15 help me understand what the situation was and had
16 been. So I just want to qualify that.

17 I'm not -- in no way interested in a child
18 that deserves, in my view, to be protected from
19 public glare. I was interested in a leading
20 politician's account of how that child came to be
21 and why it struck me as extraordinarily strange and
22 didn't make sense and, therefore, I wanted to
23 clarify.

24 Q Fair enough.

25 A But at no point did James Bennet direct,

1 A. Sullivan

2 oversee, or even comment to me about this.

3 And while this was going on in the fall,
4 most of it I was actually not even in Washington at
5 all. I was in Provincetown, Massachusetts, where I
6 live in the summer. So there would have been even
7 less possibility of this, but no.

8 Q Fair enough. I apologize for
9 mischaracterizing your reporting, but you did in
10 fact answer my question, and that is my last
11 question.

12 MR. BROWN: Thank you, Mr. Sullivan.

13 THE WITNESS: Thank you very much.

14 MR. VOGT: I only have a couple follow-ups.

15 FURTHER EXAMINATION BY

16 MR. VOGT:

17 Q I think at one point when you were speaking
18 with Mr. Brown, you said you were responsible for
19 all of the posts on The Dish; is that right?

20 A Alongside my team, yes, but I was
21 ultimately responsible for them.

22 Q And what do you mean by that, "ultimately
23 responsible"?

24 A That I wrote them and I was answerable for
25 them to the readers of the magazine and to the

C E R T I F I C A T E

I, AMANDA McCREDO, a Shorthand Reporter
and Notary Public of the State of New York, do
hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn, and that
such examination is a true record of the
testimony given by such witness.

I further certify that I am not related to any
of the parties to this action by blood or
marriage, and that I am in no way interested in
the outcome of this matter.

AMANDA McCREDO